

REMARKS

Claims 1-55 are pending in the instant application. The Examiner rejects all of the pending claims 1-55 under the judicially created doctrine of obviousness type double patenting over claims 1-50 of United States Patent No. 6,846,406. The Examiner admits that the claims of the '406 patent do not recite that the sulfur compounds may be removed from a diesel fraction. However, the Examiner says that it would be obvious to apply the process to a diesel fraction.

Applicants submit herewith a Terminal Disclaimer disclaiming the patent term of the patent that will issue from the instant application that would extend beyond the patent term of United States Patent No. 6,846,406. This Terminal Disclaimer is submitted purely in the interest of expediting prosecution and gaining swift allowance of the claims. Applicants expressly do not acquiesce that the rejection is proper. In view of the foregoing, the rejection is overcome.

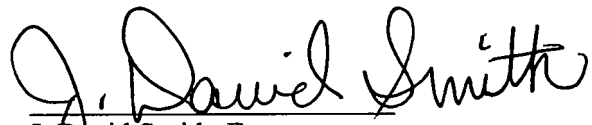
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No fees other than those presently submitted are believed necessary in connection with the present submission. However, if this is in error, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment or to credit any overage.

CONCLUSION

It is believed that the claims are now patentable and early notification as such is solicited. In the event any issues may be resolved by telephone, the Examiner is invited to contact that undersigned at the telephone number provided below.

Respectfully submitted,


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